

1 The Honorable Robert J. Bryan
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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

STATE OF WASHINGTON,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

CIVIL ACTION NO. 17-cv-05806-RJB

DECLARATION OF MARSHA CHIEN
IN SUPPORT OF STATE OF
WASHINGTON'S ADDITIONAL
MOTIONS IN LIMINE IN ADVANCE
OF OCTOBER 12 RETRIAL

1 Pursuant to 28 U.S.C. § 1746(2), I, Marsha Chien, state and declare as follows:

2 1. I am over eighteen years of age, have personal knowledge of and competent to
3 testify about the matters contained herein.

4 2. I am an Assistant Attorney General for the Attorney General of Washington and
5 one of the attorneys representing the State of Washington in this matter.

6 3. On September 3, 2021, I met and conferred with GEO's counsel regarding the
7 parties' proposed motions in limine.

8 4. During the meet and confer, I advised GEO's counsel, Adrienne Scheffey, that
9 Washington believes all evidence regarding state and government institutions should be
10 excluded given the Court's Rule 50(b) Order, ECF No. 531. Ms. Scheffey responded that GEO
11 disagreed and that it should be able to present evidence that the NWDC work program is "an
12 industry standard."

13 5. Additionally, I advised Ms. Scheffey that Washington believes testimony from
14 Washington Labor & Industries should be excluded as a waste of time and objectionable. Ms.
15 Scheffey responded that GEO disagreed and that L&I's internal emails should be presented as
16 evidence that the MWA did not apply in 2015 when the GEO-ICE contract was negotiated.

17 6. Additionally, I advised Ms. Scheffey that Washington believes L&I's ES.A.1
18 should be excluded given the Court's Rule 50(b) Order. Ms. Scheffey responded that GEO
19 disagreed, claiming that it was necessary to demonstrate that the MWA contains exemptions.
20 When I pointed out that none of the exemptions are applicable, Ms. Scheffey insisted that ES.A.1
21 is necessary to put jurors on notice of the existence of exemptions to the MWA.

22 7. Attached hereto as Exhibit A is a true and correct copy of excerpts of the
23 transcript of the April 13, 2020 pretrial conference.

24 8. Attached hereto as Exhibit B is a true and correct copy of excerpts of the transcript
25 of the April 28, 2021 pretrial hearing.

9. Attached hereto as Exhibit C through Exhibit G are true and correct copies of excerpts of the June 1-17, 2021 trial transcript as follows:

Exhibit No.	Date	Description
Exhibit C	June 10, 2021	Tammy Fellin, L&I testimony
Exhibit D	June 10, 2021	Lynne Buchanan, L&I testimony
Exhibit E	June 11, 2021	Josh Grice, L&I testimony
Exhibit F	June 14, 2021	Court issuing jury instructions
Exhibit G	June 15, 2021	Counsel for GEO's closing argument

10. Attached hereto as Exhibit H, is a true and correct copy of the following news article: Cara Salvatore, *GEO Hints At Banned Emails As \$1 Wage Defense Begins*, Law 360, June 10, 2021.

I declare, under the penalty of perjury under the laws of the United States and the State of Washington, that the foregoing is true and correct.

Dated this 9th day of September 2021 in Seattle, Washington.

s/ *Marsha Chien*
MARSHA CHIEN, WSBA No. 22027

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was electronically filed with the United States District Court using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated this 9th day of September 2021 in Seattle, Washington.

Caitlin Hall
CAITILIN HALL
Legal Assistant